

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PARDALIS TECHNOLOGY  
LICENSING, LLC,

*Plaintiff,*

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

*Defendant.*

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Case No. 2:22-CV-0452-JRG-RSP

**ORDER**

Plaintiff Pardalis Technology Licensing, L.L.C. (“Plaintiff”) previously filed the following motions:

- Plaintiff Pardalis Technology Licensing L.L.C.’s Motion for Judgment on the Pleadings Concerning Inequitable Conduct (Dkt. No. 124)
- Plaintiff Pardalis Technology Licensing, L.L.C.’s Motion for Partial Summary Judgment of Validity (Dkt. No. 127)

Defendant International Business Machines Corporation (“Defendant” and with Plaintiff, the “Parties”) previously filed the following motions:

- Defendant International Business Machines Corporation’s Motion for Partial Summary Judgment of Invalidity of the ’696, ’869, and ’668 Patents Based on Obviousness-Type Double Patenting (Dkt. No. 126)
- Defendant’s Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 101 (Dkt. No. 129)

- Defendant International Business Machines Corporation's Motion for Summary Judgment of Non-infringement of U.S. Patent 11,126,790 (Dkt. No. 130)
- Defendant International Business Machines Corporation's Motion for Summary Judgment of No Pre-suit Knowledge, No Induced Infringement, Limitation of Damages, and no Willful Infringement (Dkt. No. 132)

Magistrate Judge Payne entered Reports and Recommendations on these motions. (Dkt. Nos. 244, 245, 246, 258, 259) Defendant filed Objections to two of these Reports and Recommendations (Dkt. Nos. 251, 252), and Plaintiff filed Responses thereto (Dkt. Nos. 255, 256).

Defendant also previously filed the following motion:

- Defendant International Business Machines Corporation's *Daubert* Motion to Exclude the Opinions of Mr. Mark Chandler Relating to Damagers (Dkt. No. 128)

Magistrate Judge Payne entered a Memorandum Order on the motion filed at Dkt. No. 128. (Dkt. No. 261.) Defendant filed an Objection to this Memorandum Order. (Dkt. No. 272.)

After conducting a *de novo* review of the briefing on these motions, the Reports and Recommendations, the Memorandum Order, and the briefing on Defendants' Objections, the Court agrees with the reasoning provided within these Reports and Recommendations and Memorandum Order and concludes that the Objections fail to show that the Reports and Recommendations and Memorandum Order were erroneous. Consequently, the Court **OVERRULES** the Objections and **ADOPTS** the Reports and Recommendations and Memorandum Order and **ORDERS** the following:

- Plaintiff Pardalis Technology Licensing L.L.C.'s Motion for Judgment on the Pleadings Concerning Inequitable Conduct (Dkt. No. 124) is **DENIED**.

- Defendant International Business Machines Corporation’s Motion for Partial Summary Judgment of Invalidity of the ’696, ’869, and ’668 Patents Based on Obviousness-Type Double Patenting (Dkt. No. 126) is **DENIED**.
- Plaintiff Pardalis Technology Licensing, L.L.C.’s Motion for Partial Summary Judgment of Validity (Dkt. No. 127) is **GRANTED IN PART** and **DENIED IN PART**.
- Defendant International Business Machines Corporation’s Daubert Motion to Exclude the Opinions of Mr. Mark Chandler Relating to Damagers (Dkt. No. 128) is **DENIED**.
- Defendant’s Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 101 (Dkt. No. 129) is **DENIED**.
- Defendant International Business Machines Corporation’s Motion for Summary Judgment of No Pre-suit Knowledge, No Induced Infringement, Limitation of Damages, and no Willful Infringement (Dkt. No. 132) is **DENIED**.

The Court further finds that Defendant International Business Machines Corporation’s Motion for Summary Judgment of Non-infringement of U.S. Patent 11,126,790 (Dkt. No. 130) should be and hereby is **DENIED AS MOOT** in view of the Parties’ Joint Stipulation of Dismissal as to Count VII, wherein the Parties “jointly stipulate to a dismissal with prejudice with respect to Pardalis’s claims of infringement against IBM as to U.S. Patent No. 11,126,790.” (Dkt. No. 163.)

**So Ordered this**

**Sep 19, 2024**

A handwritten signature in black ink, reading "Rodney Gilstrap", is written over a horizontal line.

RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE